

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HOWARD DAVIDSON

) CIVIL ACTION

) NO.: _____

Plaintiff,

)

vs.

)

JOHN DOE 1 (using the screen name “Jake” or
“Jake of Arlington Massachusetts” on the website
www.ripoffreport.com).

) JUDGE: _____

)

Defendants.

)

FILED
IN CLERKS OFFICE

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2018 by

US DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COMPLAINT

TO THE HONORABLE COURT:

Plaintiff Howard Davidson (“Mr. Davidson”) files this Motion to Serve Defendants by publication, as follows:

PRELIMINARY STATEMENT

Defendants John Doe (using the screen name “Jake” or “Jake of Arlington Massachusetts”) on the website www.ripoffreport.com defamed Mr. Davidson pseudonymously on the Internet. While Mr. Davidson continues to have his good name publicly besmirched by the Defendant, Mr. Davidson has no way of tracking the Defendant down to serve them personally with this lawsuit. At this stage, Mr. Davidson sees no other alternative than to obtain this Court’s authorization to serve the Defendants via publication.

JURISDICTION & VENUE

This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343(a)(3). Plaintiffs seek declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. §§ 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure.

The United States District Court for the District of Massachusetts appropriate venue under 28 U.S.C. § 1391(b)(2) because it is where the events giving rise to this claim occurred.

THE PARTIES

Mr. Davidson is an individual with his principal place of residence and business in Arlington, Massachusetts. Mr. Davidson is a successful businessman who engages in the business of marketing, consulting, and brand development. A large percentage of Mr. Davidson's business is conducted via the Internet.

Defendant John Doe (collectively, "Defendant") is a natural person whose identities and residences are unknown to Mr. Davidson. Defendant have used the anonymity afforded by the Internet to conceal their identities and residences.

STATEMENT OF FACTS

Mr. Davidson is an individual with his principle place of residence and business in Arlington, Massachusetts. Mr. Davidson is a successful businessman who engages in the business of marketing, consulting, and brand development.

Defendant, through his/he publication it's false and defamatory statements regarding Mr. Davidson, have caused damage to the reputation of Mr. Davidson. Indeed, upon information and belief, Defendant published a number of false and defamatory statements regarding Mr. Davidson on the website www.ripoffreport.com ("Ripoff Report").

Specifically, Defendant John Doe 1 (using the screen name “Jake/Arlington MA”) published false and defamatory statements on Ripoff Report including, but not limited to, allegations which read:

I worked with this guy named Howard Davidson for a little bit after finding one of the jobs he posted on Craigslist. He is really good at pulling people in and trying to convince them to do work for a small amount of money. He's also creepy and had mentioned to me how he wanted to come to his house so that we could have some fun. He says he works in marketing, but the guy honestly is an idiot that shouldn't even be working for a single company. He knows nothing about marketing, and I really do feel that a kid off the street knows more than this guy. The guy is a total scam and brings in startup companies that don't really know what they're doing in the first place. He'll act like he knows what he talks about, but the guy is a creepy liar plain and simple.¹

These statements allege that Mr. Davidson engages in criminal acts, including theft, sexual harassment, and fraud. These statements are false as Mr. Davidson has never committed a crime, nor has he ever stolen services from others, sexually harassed anyone, or engaged in fraudulent acts.

The statements made by John Doe are false as Mr. Davidson is not a thief, nor has he ever stolen services from anyone.

Defendant John Doe (using the screen name “Jake” or “Jake of Arlington Massachusetts”) published false and defamatory statements on Ripoff Report, alleging that Mr. Davidson posted fraudulent online job announcements for purposes other than soliciting work and that he engages in criminal harassment.

The statements, made by John Doe are false as Mr. Davidson has never committed a crime, nor has he engaged in fraudulent acts.

¹ See: <https://www.ripoffreport.com/reports/howard-davidson/internet/howard-davidson-aka-howard-davidson-ai-squared-creepy-guy-offering-work-is-a-scum-arlin-1270938>, Last Viewed on June 28th, 2018.

The statements made by John Doe are false as Mr. Davidson is not a scammer, nor has he engaged in fraudulent acts.

The false postings published by the Defendant have caused and continue to cause Mr. Davidson harm.

The statements published by the Defendant on Ripoff Report have caused and continue to cause Mr. Davidson irreparable harm as they ruin his personal and professional reputations.

Given that a large percentage of Mr. Davidson's clients find him on the Internet, the false publications are particularly deranging.

Upon information and belief, Mr. Davidson has experienced both a decrease in his business and harm to his personal reputation since the false postings were published on Ripoff Report. Indeed, prospective clients conducting Internet searches in order to investigate the reputation and reliability of Mr. Davidson, prior to making a decision to engage Mr. Davidson's services, are negatively influenced by the false statements and elect not to engage Mr. Davidson's services.

Upon information and belief, potential clients have read the posts made by Defendant on Ripoff Report, and then decided not to do business with Mr. Davidson as a result of these false postings..

When a potential client performs a Google search for "Howard Davidson' and MA" a Ripoff Report search index containing all of the false publications about Mr. Davidson is found on the first page of the results. A screenshot of these search results is presented below:

The screenshot shows a Google search results page for the query "Howard Davidson". The top navigation bar includes the Google logo, a search bar containing "Howard Davidson", and icons for microphone and search. Below the search bar are filter buttons for "All", "News", "Maps", "Shopping", "Images", and "More", followed by "Settings" and "Tools". A snippet below the filters indicates "About 69,000,000 results (0.99 seconds)". The first result is a link to "Howard Davidson Arlington MA Massachusetts marketing" with the URL "howardjdavidson.com/" and a snippet about being a marketer. The second result is a link to "Howard Davidson (@hdavidson) · Twitter" with the URL "https://twitter.com/hdavidson" and a snippet about a smarter alternative to lorem ipsum. The third result is a link to "Howard Davidson - Full Stack Marketer - Independent Contractor ..." with the URL "https://www.linkedin.com/in/howarddavidson" and a snippet about LinkedIn profile information. The fourth result is a link to "Ripoff Report | Howard Davidson Complaint Review Arlington ..." with the URL "https://www.ripoffreport.com/.../howard-davidson/.../howard-davidson-marketer-odes..." and a snippet about Howard Davidson being a scammer. The fifth result is a link to "Ripoff Report | Howard Davidson Complaint Review Internet" with the URL "https://www.ripoffreport.com/.../howard-davidson/.../howard-davidson-aka-howard-d..." and a snippet about Howard Davidson being a scammer.

Howard Davidson (@hdavidson) · Twitter

<https://twitter.com/hdavidson>

Finally, a smarter alternative to lorem ipsum ow.ly/wv4r30kHVeO #graphicdesign, #webdesign
3 hours ago · Twitter

Howard Davidson - Full Stack Marketer - Independent Contractor ...

<https://www.linkedin.com/in/howarddavidson> ▾

Greater Boston Area - Independent Contractor

View **Howard Davidson's** profile on LinkedIn, the world's largest professional community. Howard has 1 job listed on their profile. See the complete profile on ...
You've visited this page many times. Last visit: 5/5/18

Ripoff Report | Howard Davidson Complaint Review Arlington ...

<https://www.ripoffreport.com/.../howard-davidson/.../howard-davidson-marketer-odes...> ▾

Howard Davidson Complaint Review: Howard Davidson Marketer oDesk scammer in Arlington Massachusetts.

Ripoff Report | Howard Davidson Complaint Review Internet

<https://www.ripoffreport.com/.../howard-davidson/.../howard-davidson-aka-howard-d...> ▾

Nov 29, 2015 - Howard Davidson Complaint Review: Howard Davidson AKA Howard Davidson - Ai Squared Creepy Guy Offering Work is a Scam Arlington

LEGAL CLAIMS

FIRST CAUSE OF ACTION : DEFAMATION PER SE

Mr. Davidson hereby incorporates the foregoing paragraphs as if fully set forth herein.

The information published by Defendant is false and the defamatory comments regarding Mr. Davidson are actionable comments.

Defendant has published unprivileged, defamatory information on the internet, viewable to at least one third party.

Defendant is at fault for publishing the defamatory information.

The published comments were made with the requisite intent by Defendants to irreparably harm Mr. Davidson and his personal and professional reputations.

The published comments demonstrate an intent to harm Mr. Davidson and constitute actual malice.

The defamatory comments defamed Mr. Davidson on their face, were obviously hurtful to Mr. Davidson and constitute defamation *per se*.

Defendant's unlawful conduct has caused and will continue to cause Mr. Davison irreparable injuries for which there is no adequate legal remedy. Accordingly, Mr. Davidson is entitled to permanent injunctive relief.

As Defendant has placed Mr. Davidson's personal and professional reputations publicly at issue, Mr. Davidson is entitled to a declaratory judgment that Defendant's statements are false.

SECOND CAUSE OF ACTION : DEFAMATION

Mr. Davidson hereby incorporates the foregoing paragraphs as if fully set forth herein. The information published by the Defendant are false and the defamatory comments regarding Mr. Davidson are actionable comments.

Defendant has published unprivileged, defamatory information on the Internet, viewable to at least one third party.

Defendant is at fault for publishing the defamatory information and were negligent in doing so.

Defendant's unlawful conduct has caused and will continue to cause Mr. Davidson irreparable injuries for which there is no adequate legal remedy. Accordingly, Mr. Davidson is entitled to permanent injunctive relief.

As Defendant has placed Mr. Davidson's personal and professional reputations publicly at issue, Mr. Davidson is entitled to a declaratory judgment that Defendants' statements are false.

SERVICE BY PUBLICATION IS WARRANTED HERE

Mr. Davidson exercised reasonable diligence in attempting to serve the Defendant. However, it is impossible for Mr. Davidson to locate the Defendants' residences as the Defendants published defamatory statements on the Internet under what appears to be false names. Despite the exercise of reasonable diligence, Mr. Davidson and his counsel have been unable to determine the Defendants' identities or residences. Furthermore, Mr. Davidson has no knowledge or record of the Defendants' identities or residences.

Accordingly, the best possible means for obtaining service over and providing notice of this lawsuit to the Defendants is through service by publication.

Plaintiff requests that the Court issue an order that Defendant John Doe be served via publication.

RELIEF REQUESTED

WHEREFORE, Mr. Davidson requests the following relief:

A. Preliminary and permanent injunction that issues the following orders against Defendants, their agents, officers, members, managers, employees, representatives, and co-conspirators ("Restrained Parties"):

I. Prohibiting the Restrained Parties from any further acts of defamation or publishing of false statements, comments, or information regarding Mr. Davidson,

II. Mandating that the Restrained Parties take all action including, but not limited to, requesting www.ripoffreport.com to remove all defamatory, disparaging, libelous, and false

statements about Mr. Davidson that Defendant posted on the above-named website including, but not limited to, taking all action to personally remove the defamatory content in question;

I^{II}. Mandating that the Restrained Parties take all action to remove all defamatory, disparaging, libelous, and false statements about Mr. Davidson that Defendant posted on the Internet, including requesting that Internet search engines such as Google, Yahoo!, and Bing remove the links to the libelous Uniform Resource Locators (“URL”) from their search indexes, outlined below:

<https://www.ripoffreport.com/reports/howard-davidson/internet/howard-davidson-aka-howard-davidson-ai-squared-creepy-guy-offering-work-is-a-scam-arlin-1270938>

IV. Mandating, as it is foreseeable that the above-referenced URL and statements contained thereon will be referenced on additional webpages in the future including, but not limited to, index, directory, and search results pages, to take all actions, including requesting removal from the Internet search engines Google, Yahoo!, and Bing, of such webpages;

V. Prohibiting the Restrained Parties from posting or publishing false and defamatory statements, similar to those outlined herein, regarding Mr. Davidson on other public-facing Internet website;

B. Declaratory judgment that Defendants' comments posted on the website www.ripoffreport.com regarding Mr. Davidson are false;

C. That Mr. Davidson be awarded general damages, exemplary damages, and punitive damages for the harm caused to Mr. Davidson's reputation as a result of Defendant's actions;

D. That Mr. Davidson be awarded his attorneys' fees, plus court costs and other costs associated with bringing this action; and

E. Such other and further relief which Mr. Davidson may be entitled at law or equity.

Respectfully Submitted,



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